

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAYMOND BRIAN RUIZ,

Plaintiff,

v.

SNOHOMISH COUNTY JAIL,

Defendant.

Case No. C16-0182-MJP-MAT

REPORT AND RECOMMENDATION

On February 3, 2016, plaintiff submitted to this Court for filing a civil rights complaint under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma pauperis*. (See Dkt. 1.) Plaintiff appeared to allege in his complaint that a religious medallion that he attempted to mail to an individual outside the facility was improperly removed from a stamped and sealed envelope which he had placed in an outgoing mailbox. (See Dkt. 1-1 at 3.) Plaintiff stated that the opened envelope was returned to him with a notation indicating that items needed to be removed, but the medallion was not in the envelope and plaintiff was provided no paperwork explaining what had happened to the item. (*Id.*) Plaintiff identified the Snohomish County Jail as the only defendant in his complaint and he requested monetary damages in the amount of \$100,000. (See *id.* at 1 and 4.)

REPORT AND RECOMMENDATION - 1

1 On March 3, 2016, the Court issued an Order granting plaintiff's application to proceed
2 *in forma pauperis* and his complaint was filed. (Dkts. 5 and 6.) On the same date, this Court
3 issued an Order declining to serve plaintiff's complaint and granting him leave to amend his
4 complaint to correct certain specified deficiencies. (Dkt. 7.) Specifically, the Court noted that
5 plaintiff had not identified in his complaint the federal constitutional right he believed was
6 violated by the named defendant and he had not identified a viable defendant. (*Id.*) The Court
7 also noted that, to the extent plaintiff may be intending to assert a claim regarding the loss of his
8 personal property, he had not stated a cognizable claim for relief under § 1983. (*Id.*)

9 Plaintiff was granted thirty days within which to file an amended complaint curing the
10 identified deficiencies. (*Id.*) The Order was sent to plaintiff at his address of record, the
11 Snohomish County Jail, but the mail was returned to the Court because plaintiff had by that time
12 been released from the facility. (*See* Dkt. 8.) Plaintiff subsequently provided the Court with a
13 new address and the Court issued a Minute Order advising plaintiff that he had thirty days from
14 the date of that Minute Order to file his amended complaint. (Dkt. 10.) Plaintiff thereafter
15 requested an extension of time to file his amended complaint, and the Court granted that request,
16 directing plaintiff to submit his amended complaint not later than May 27, 2016. (Dkts. 11 and
17 12.) To date, plaintiff has not filed an amended complaint in this matter.

18 When a complaint is frivolous, malicious, fails to state a claim on which relief may be
19 granted, or seeks monetary relief against a defendant who is immune from such relief, the Court
20 may dismiss an *in forma pauperis* complaint before service of process under 28 U.S.C.

21 § 1915(e)(2)(B). Because plaintiff failed to identify a viable claim or a viable defendant in his
22 original civil rights complaint, and because he failed to file an amended complaint correcting
23 those deficiencies, this Court recommends that plaintiff's complaint and this action be dismissed,

1 without prejudice, pursuant to § 1915(e)(2)(B). A proposed order accompanies this Report and
2 Recommendation.

3 DEADLINE FOR OBJECTIONS

4 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
5 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
6 and Recommendation is signed. Failure to file objections within the specified time may affect
7 the right to appeal. Objections should be noted for consideration on the District Judge's motions
8 calendar for the third Friday after they are filed. Responses to objections may be filed within
9 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will
10 be ready for consideration by the District Judge on **July 15, 2016**.

11 DATED this 23rd day of June, 2016.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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